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APR 20 2005

**OFFICE OF PETITIONS**

In re Application of  
Richard A. Craig et al.  
Application No. 09/771,064  
Filed: January 26, 2001  
Attorney Docket Number: E-1825 CIP  
Title: METHOD AND APPARATUS FOR  
THE DETECTION OF HYDROGENOUS  
MATERIALS

DECISION DISMISSING  
PETITION UNDER 37 C.F.R. §1.137(a)  
AS MOOT

This is a decision on the petition filed November 22, 2004, pursuant to 37 C.F.R. §1.137(a)<sup>1</sup>, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed July 18, 2003, which set a shortened statutory period for reply of three (3) months. On October 24, 2003, a Request for Continued Examination (RCE) was received, and an office action was mailed on December 1, 2003, indicating that the RCE was not fully responsive. This communication set a one-month period for response. No extensions of time under the provisions of 37 CFR §1.136(a) were

<sup>1</sup> A grantable petition pursuant to 37 CFR §1.137(a) must be accompanied by:

- (1) the required reply (in a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof);
- (2) the petition fee;
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and;
- (4) a terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

obtained. Accordingly, the above-identified application became abandoned on January 2, 2004. A notice of abandonment was mailed October 8, 2004.

On November 22, 2004, Petitioner submitted a petition under 37 C.F.R. §1.137(a) which asserted that the communication of December 1, 2003 was not received.


On January 3, 2005, Petitioner submitted a letter which set forth that the communication of December 1, 2003 had been located, and requested that the petition under 37 C.F.R. §1.137(a) be withdrawn. Petitioner has further indicated that he wishes for the present application to remain abandoned.

As such, the instant petition is hereby **DISMISSED AS MOOT**.

The petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

After the mailing of this decision, the application will be forwarded to Files Repository.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



**Paul Shanoski**  
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Office of Petitions  
United States Patent and Trademark Office